

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND

In re:

CARIDAD B. COOPER

Debtor

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Case No. 08-12431-DK

Chapter 13

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MOTION TO DISMISS CASE FOR
MATERIAL DEFAULT IN PLAN PAYMENTS

Ellen W. Cosby, Chapter 13 Trustee, files this Motion to Dismiss Case and states as follows:

1. The plan in this Chapter 13 case was confirmed by Order entered June 26, 2008.

1. The Debtor is in material default under the terms of the plan by having failed to maintain the payments required by the plan. The default in payments now totals \$1,878.00, approximately 4.5 months.

2. The failure of Debtor to make plan payments has created an unreasonable delay prejudicial to the creditors in this case.

3. For the reasons stated, cause exists under 11 U.S.C. §1307(c) to dismiss this case.

WHEREFORE, the Trustee requests this Court to dismiss this case, and to grant such other relief as is just.

Date: November 25, 2009

/s/ Ellen W. Cosby

Ellen W. Cosby, Trustee
P.O. Box 20016
Baltimore, MD 21284-0016
(410) 825-5923
inquiries@ch13balt.com
Chapter 13 Trustee

TO THE DEBTOR: TAKE NOTICE THAT, UNLESS YOU FILE A RESPONSE IN WRITING WHICH JUSTIFIES OR EXPLAINS THE ALLEGATIONS IN THIS MOTION WITHIN 20 DAYS OF THE DATE IN THE CERTIFICATE OF SERVICE BELOW, THIS CASE MAY BE DISMISSED WITHOUT FURTHER NOTICE. THE RESPONSE MUST BE FILED WITH THE BANKRUPTCY COURT, WITH A COPY SERVED ON THE TRUSTEE.

CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2009 a copy of foregoing Motion to Dismiss Case was mailed by first-class mail to:

CARIDAD B. COOPER
614 SCOTT STREET
BALTIMORE, MD 21230

and was transmitted electronically through ECF to:

ADAM M FREIMAN ESQ
1777 REISTERSTOWN RD #360
BALTIMORE, MD 21208-6318

/s/ Ellen W. Cosby
Ellen W. Cosby, Trustee